

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK**

GERALD P. CZUBA, individually and on  
behalf of a Class of others similarly  
situated,

Plaintiff,

V.

IKO MANUFACTURING, INC., a  
Delaware Corporation,

Defendant.

Case No. 09-CV-0409

Hon. William M. Skretny

**NOTICE OF MOTION FOR EXTENSION OF TIME TO ANSWER  
OR OTHERWISE RESPOND TO PLAINTIFF'S COMPLAINT**

Moving Party:	Defendant, IKO Manufacturing, Inc.
Date and Time:	At a date and time to be determined by the Court.
Place:	U.S. Courthouse, 68 Court Street, 4 <sup>th</sup> Floor, Buffalo, New York
Supporting Papers:	Declaration of Joseph W. Dunbar, Esq.
Relief Requested:	An order granting Defendant an extension of time to answer or otherwise respond to Plaintiff's complaint.
Grounds for Relief:	FRCP Rule 6(b).
Answering Papers:	If any, are required to be served at least three business days prior to the return date of this motion, in accordance with Local Rule 7.1(c).

Oral Argument:

Not requested.

DATED: June 22, 2009

Respectfully submitted,

DAMON & MOREY, LLP

By: s/Joseph W. Dunbar

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***Attorneys for Defendant,  
IKO MANUFACTURING, INC.***

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FOR THE WESTERN DISTRICT OF NEW YORK**

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behalf of a Class of others similarly	)	
situated,	)	
	)	
Plaintiff,	)	Case No. 09-CV-0409
	)	
v.	)	Hon. William M. Skretny
	)	
IKO MANUFACTURING, INC., a	)	
Delaware Corporation,	)	
	)	
Defendants.		

**UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO  
ANSWER OR OTHERWISE RESPOND TO PLAINTIFF’S COMPLAINT**

Defendant IKO Manufacturing, Inc. (“IKO”)<sup>1</sup> respectfully requests that this Court grant it an extension of time to file an answer or otherwise respond to Plaintiff Gerald P. Czuba’s Complaint. In support, IKO states the following:

1. Plaintiff filed his Complaint on April 29, 2009. (Dkt. No. 1). IKO was served with the Complaint on May 4, 2009. (Dkt. No. 6). On June 2, 2009, this court granted IKO’s Motion for an Extension of Time to Answer or Otherwise Respond to Plaintiff’s Complaint, extending the time to answer or otherwise respond until June 22, 2009. (Dkt. No. 23).

2. This Complaint is similar, if not identical, to other complaints filed in other federal courts. *See Zanetti v. IKO Manufacturing, Inc.*, No. 2:09-cv-2017 (D.N.J. filed April 29, 2009); *McNeil et al. v. IKO Manufacturing, Inc.*, No. 2:09-cv-02105 (C.D. Ill. filed April 30, 2009). IKO intends to consolidate these actions before a single federal court by filing a motion with the Judicial Panel on Multidistrict Litigation.

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<sup>1</sup> In the caption of Plaintiff’s Complaint, Plaintiff mistakenly identified IKO Manufacturing, Inc. as “IKO Manufacture, Inc.”

3. Accordingly, IKO respectfully requests at this time for an additional extension of thirty (30) days in order to adequately answer or otherwise respond to Plaintiff's Complaint. A proposed order is attached.

4. IKO's counsel has contacted the attorneys for Plaintiff and is advised that the Plaintiff consents to the relief requested herein.

WHEREFORE, Defendant IKO Manufacturing, Inc. requests that this Court grant it an extension of time to answer or otherwise respond until July 20, 2009.

DATED: June 22, 2009

Respectfully submitted,

DAMON & MOREY, LLP

By: s/Joseph W. Dunbar

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***Attorneys for Defendant,  
IKO MANUFACTURING, INC.***

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situated,	)	
	)	
Plaintiff,	)	Case No. 09-CV-0409
	)	
v.	)	Hon. William M. Skretny
	)	
IKO MANUFACTURING, INC., a	)	
Delaware Corporation,	)	
	)	
Defendants.	)	

**[PROPOSED] ORDER**

Upon consideration of Defendant IKO Manufacturing, Inc.'s Unopposed Motion for an Extension of Time to Answer or Otherwise Respond to Plaintiff's Complaint, it is hereby ORDERED that the Motion is GRANTED, and the time for IKO Manufacturing, Inc. to answer or otherwise plead in this matter is extended until July 20, 2009.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. William M. Skretny

**Certificate of Service**

I, Joseph W. Dunbar, Esq. hereby certify and affirm that on the 22nd day of June, 2009, I electronically filed the foregoing **UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND TO PLAINTIFF'S COMPLAINT** with the Clerk of the United States District Court for the Western District of New York using its CM/ECF system, which would then electronically notify the following CM/ECF participants of this filing:

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And, I further certify and affirm that I have mailed the foregoing via post-paid first class mail, to the following non-CM/ECF participants:

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s/Joseph W. Dunbar

Joseph W. Dunbar